

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

STEPHEN McCOLLUM, and SANDRA	§	
McCOLLUM, individually, and STEPHANIE	§	
KINGREY, individually and as independent	§	
administrator of the Estate of LARRY GENE	§	
McCOLLUM,	§	
PLAINTIFFS	§	
	§	
v.	§	CIVIL ACTION NO.
	§	4:14-cv-3253
	§	JURY DEMAND
BRAD LIVINGSTON, JEFF PRINGLE,	§	
RICHARD CLARK, KAREN TATE,	§	
SANDREA SANDERS, ROBERT EASON, the	§	
UNIVERSITY OF TEXAS MEDICAL	§	
BRANCH and the TEXAS DEPARTMENT OF	§	
CRIMINAL JUSTICE.	§	
DEFENDANTS	§	

**PLAINTIFFS' UNOPPOSED SECOND MOTION FOR EXTENSION OF TIME
TO RESPOND TO THE DEFENDANTS' MOTIONS FOR SUMMARY
JUDGMENT**

Plaintiffs respectfully request a second extension to file their response to the Defendants' Motion for Summary Judgment.

Defendants filed motions for summary judgment. *See* Docs. 285, 288. Plaintiffs' deadline to respond is Monday, August 8, 2016 to the TDCJ Defendants' motion, and August 22, 2016 to the UTMB Defendants' motion. Plaintiffs respectfully seek an additional extension, so that the new response date for both motions would be Wednesday, September 7, 2016. Defendants have been granted several extensions of their filing deadlines. Docs. 282, 276, 261.

A separate, related case before this Court, *Cole et al. v. Livingston et al.*, No. 4:14-cv-1698, has required much of counsel's time since the summary judgment motions

were filed. In that case, the defendants, including TDCJ and Brad Livingston, filed in the Fifth Circuit Court of Appeals a petition for discretionary review on June 30, 2016, under Fed. R. Civ. P. 23(f), requiring Plaintiffs' response by July 8, 2016. On July 11, in the same case, defendants filed a motion to stay the preliminary injunction in the Fifth Circuit. After conferring with the Fifth Circuit clerk, Plaintiffs' counsel responded on July 14, 2016. Simultaneously, in this Court, defendants also filed a motion to stay trial and discovery on June 30, 2016, and a motion to stay the preliminary injunction on July 1, 2016, to which Plaintiffs responded on July 21, 2016 and July 22, 2016 respectively.

Meanwhile, Plaintiffs' counsel also represent clients in an unrelated case which has failed to settle and is set for trial in the Travis County District Court beginning August 8, 2016, *Schultz et al. v. Coolidge et al.*, No. D-1-GN-15-002057.

All Defendants have sought summary judgment in this case, which has numerous factual details and a large body of relevant deposition testimony. The TDCJ Defendants' motion is 132 pages long, and includes a 1,835 page appendix.

Presently, there is no trial date, so an extension will not result in undue delay or prejudice.

This motion is made for the reasons described, and not for the purposes of delay.

In accordance with the foregoing, Plaintiffs respectfully request that the Court extend Plaintiffs' time to respond to the UTMB and TDCJ Defendants' Motions for Summary Judgment, Docs. 285, 288, by 15 days and 30 days respectively, from August 8, 2016 and August 22, 2016, so that both responses are due September 7, 2016.

Dated: July 27, 2016.

Respectfully submitted,

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By /s/ Jeff Edwards

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CERTIFICATE OF CONFERENCE

I certify that I corresponded with counsel for TDCJ and the individual TDCJ Defendants, and Defendants are unopposed to this motion.

By /s/ Scott Medlock
SCOTT MEDLOCK

CERTIFICATE OF SERVICE

By my signature above, I certify that a true and correct copy of the foregoing has been served on all counsel of record through the Electronic Case Files System of the Southern District of Texas.

By /s/ Jeff Edwards
JEFF EDWARDS